

UTILITY PATENT APPLICATION
TRANSMITTAL

Attorney Docket No.

PU3556C1

First Named Inventor

Dow et al.

(For new nonprovisional applications under 37 CFR 1.53(b))

"EXPRESS MAIL CERTIFICATE"

"EXPRESS MAIL" MAILING LABEL NUMBER **EV332944163US** DATE OF DEPOSIT: **15 March 2004**

I hereby certify that this paper or fee and the papers indicated as being transmitted herewith are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date and with the Mailing Label Number indicated above and addressed to COMMISSIONER FOR PATENTS, MAIL STOP: PETITIONS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

NAME OF PERSON MAILING PAPER OR FEE

(TYPE OR PRINT) James C. Kellerman

SIGNATURE

James C. Kellerman15364 U.S. PTO
10/800840

031504

APPLICATION ELEMENTS <i>See MPEP chapter 600 concerning utility patent application contents.</i>	
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to Deposit Account No. <u>19-2570</u> <input checked="" type="checkbox"/> General Authorization to charge any and all fees under 37 CFR 1.16 or 1.17, including petitions for extensions of time, relating to this application. (37 CFR 1.136(a)(3)) <i>(Submit an original, and a duplicate for fee processing)</i>	7. <input checked="" type="checkbox"/> The Title of the Invention: FLUTICASONE LOTION HAVING IMPROVED VASOCONSTRICTOR ACTIVITY
2. <input checked="" type="checkbox"/> The total fee is calculated as shown below: Basic Filing fee \$770.00 Total Claims 20 - 20 = 0 x \$18 \$ 0.00 Independent Claims 5 - 3 = 2 x \$86 \$172.00 <input type="checkbox"/> Multiple Dependent Claim present. \$290 TOTAL FILING FEE \$942.00 <input type="checkbox"/> Cancel in this application original claims to of the prior application before calculating the filing fee. <input checked="" type="checkbox"/> Charge \$770.00 to the above indicated Deposit Account.	8. <input type="checkbox"/> Nucleotide and/or Amino Acid Sequence Submission a. <input type="checkbox"/> Computer Readable Copy b. <input type="checkbox"/> Paper Copy (identical to computer copy) c. <input type="checkbox"/> Statement verifying identity of above copies d. <input type="checkbox"/> Use the identical computer-readable form filed in Application No. _____, filed _____ as the computer-readable form for the instant application. (37 CFR 1.821(e))
3a. <input checked="" type="checkbox"/> Specification excluding Drawings [Total Pages] <u>23</u> 3b. <input checked="" type="checkbox"/> Abstract on a separate sheet [Total Pages] <u>1</u>	9. ACCOMPANYING APPLICATION PARTS a. <input type="checkbox"/> Information Disclosure Statement (IDS) b. <input type="checkbox"/> PTO-1449 c. <input type="checkbox"/> Copies of all IDS Citations
4. <input type="checkbox"/> Drawing(s) (35 USC 113) [Total Sheets] _____	10. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))
5. <input checked="" type="checkbox"/> Declaration and Power of Attorney [Total Pages] <u>3</u> a. <input type="checkbox"/> Newly executed (original or copy) b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) <i>(for continuation/divisional with Box 17a completed)</i> c. <input type="checkbox"/> Unsigned Declaration <i>[Note Box 6 below]</i> i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).	11. <input checked="" type="checkbox"/> Prior Application is Assigned to: <u>Glaxo Wellcome Inc.</u> <i>(for continuation/divisional with Box 17a completed)</i>
6. <input checked="" type="checkbox"/> Incorporation By Reference <i>(useable if Box 5b is checked)</i> The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 5b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.	12. <input checked="" type="checkbox"/> Preliminary Amendment [Total Pages] <u>7</u>
17. <input checked="" type="checkbox"/> Priority Information, check appropriate box and supply the requisite information	13. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <i>(Should be specifically itemized)</i>
a. The accompanying application is a <input checked="" type="checkbox"/> Continuation <input type="checkbox"/> Divisional <input type="checkbox"/> Continuation-in-part (CIP) of prior application No. 09/830,037 filed 20 April 2001.	14. <input type="checkbox"/> Certified Copy of Priority Document(s) <i>(if foreign priority is claimed)</i>
b. <input type="checkbox"/> Benefit is claimed under Title 35, United States Code, Section 119(e) of the following Provisional Applications: Application No. _____ filed _____	15. <input checked="" type="checkbox"/> Transfer all references cited by Applicants or by the Examiner from the parent Application Serial No. <u>09/830,037</u> filed <u>20 April 2001</u> . A PTO-1449 listing the references is enclosed.
c. ** Add claim to priority via Preliminary Amendment.	16. <input checked="" type="checkbox"/> Other: <u>Copy of Petition to Revoke</u>

17. <input checked="" type="checkbox"/> Priority Information, check appropriate box and supply the requisite information
a. The accompanying application is a <input checked="" type="checkbox"/> Continuation <input type="checkbox"/> Divisional <input type="checkbox"/> Continuation-in-part (CIP) of prior application No. 09/830,037 filed 20 April 2001.
b. <input type="checkbox"/> Benefit is claimed under Title 35, United States Code, Section 119(e) of the following Provisional Applications: Application No. _____ filed _____
c. ** Add claim to priority via Preliminary Amendment.

Correspondence Address:	GLAXOSMITHKLINE Corporate Intellectual Property - UW2220 P.O. Box 1539 King of Prussia, PA 19406-0939	Signature Name	Respectfully Submitted, <u>James C. Kellerman</u> James C. Kellerman
Telephone	(610) 270-5929 Fax (610) 270-5090	Registration No.	43,708

20462

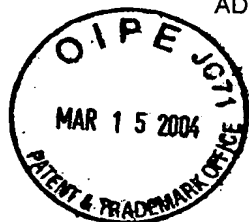
PATENT TRADEMARK OFFICE

3-16-04

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Marcus F. Grant
NAME
3-15-04
DATE

Attorney Docket No. PU3556

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dow et al.

Serial No.: 09/830,037

Group Art Unit No.: 1617

Filed: 20 April 2001

Examiner: Hui, S.M.

For: FLUTICASONE LOTION HAVING IMPROVED
VASOCONSTRICTOR ACTIVITY

Commissioner for Patents
Box PETITIONS
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(B)**

The above identified application become abandoned for failure to file a timely and proper response to the Office Action mailed on 8 September 2003, which set a three month period for response.

No notice of abandonment has been received in connection with this application. Due to a docketing error a reply was not submitted. Thus it is believed that the application became abandoned.

Petition Fee - Please charge Deposit Account No. 19-2570 the requisite fee of \$1,330.

Serial No.: 09/830,037
Group Art Unit No.: 1617

The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

A continuation is being filed as a reply to the outstanding office action today under 37 CFR 1.10. A copy of the transmittal is included herewith.

I, the undersigned, hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent which is verified statement in directed.

Respectfully submitted,



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